

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CHARLES C. KRAFCZEK,

Plaintiff,

v.

MOKE USA, LLC, f/k/a AMERICAN
CUSTOM GOLFCARS, INC., et al.,

Defendants.

HONORABLE KAREN M. WILLIAMS

Civil Action

No. 22-00286-KMW-MJS

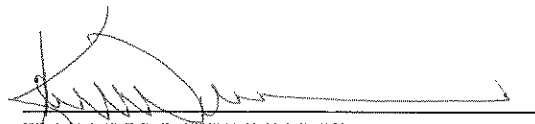
ORDER

THIS MATTER having come before the Court on Plaintiff Charles C. Krafczek's ("Plaintiff") Motion for Default Judgment [ECF No. 6]. To obtain default judgment under Federal Rule of Civil Procedure 55(b), a plaintiff must first secure an entry of default from the Clerk of the Court under Rule 55(a). *Allaham v. Naddaf*, 635 F. App'x 32, 36 (3d Cir. 2015). Only after the Clerk of the Court has entered default may the plaintiff move for default judgment pursuant to Rule 55(b)(2). FED. R. CIV. P. 55.

Here, Plaintiff filed the Motion for Default Judgment before the Clerk of the Court had entered its default, rendering the Motion procedurally premature. More importantly, since filing the Motion for Default Judgment, Plaintiff has filed a Notice of Voluntary Dismissal [ECF No. 8], dismissing Defendant Moke USA, LLC from this matter. However, the Motion for Default Judgment implicates this Defendant. Accordingly, this Court will deny Plaintiff's Motion. Therefore,

IT IS this **7th** day of **September, 2022**, hereby

ORDERED that Plaintiff's Motion for Default Judgment [ECF No. 6] is **DENIED without prejudice.**


KAREN M. WILLIAMS
United States District Judge